

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ELENA AYDINYAN,

Plaintiff,

-against-

SVETLANA BOGOMOLOVA, and
ESTATE OF SERGEY PAZUSHKO,

Defendants.

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LASHANN DEARCY HALL, United States District Judge:

On September 7, 2016, United States Magistrate Judge Lois Bloom issued a Report and Recommendation (ECF Doc. No. 10) recommending that this Court dismiss the Plaintiff's Amended Complaint (ECF Doc. No. 7) for lack of subject matter jurisdiction. The parties were afforded fourteen days to file objections to the Report and Recommendation. On September 10, 2016, Plaintiff filed an objection (ECF Doc. No. 11). When a timely objection has been made to any portion of a report and recommendation on a dispositive matter, the District Court reviews the report and recommendation *de novo*. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). This Court has reviewed the record and the Report and Recommendation *de novo* and hereby adopts Magistrate Judge Bloom's Report and Recommendation in its entirety.

"Diversity jurisdiction does not extend to cases in which only aliens are parties." *Mont Blanc Trading Ltd. v. Khan*, No. 13 CIV. 700 AJN, 2014 WL 1116733, at *2 (S.D.N.Y. Mar. 20, 2014) (citing *Universal Licensing Corp. v. Paola del Lungo S.p.A.*, 293 F.3d 579, 580-81 (2d Cir. 2002)). Under 28 U.S.C. § 1332(c)(2), "the legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent . . ." Because both Plaintiff and Defendants in the instant matter are aliens, the Amended Complaint is dismissed for

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ORDER
16-cv-1126 (LDH)(LB)

lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(h)(3). The Clerk of the Court is directed to close the case in accordance with this Order.

Dated: December 15, 2016
Brooklyn, New York

SO ORDERED:

s/ LaShann DeArcy Hall
LA SHANN DEARCY HALL
United States District Judge